

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF Desert Diamond, TPM 21017

May 14, 2008

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

As identified within Section 67.722B of the San Diego County Groundwater Ordinance, it has been determined that groundwater resources are adequate to meet the groundwater demands of the project and thus, the project will not adversely impact groundwater availability. This is based on the following aspects of the project description: the applicant will offset the groundwater resource impacts of the project by

means of recording an easement over an existing site that uses groundwater such that the use of an equivalent amount of groundwater is eliminated.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Article IV, Sections 1 & 2) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Article IV, Section 3) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Article IV, Section 5)?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Article IV, Section 6) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Article IV, Section 7) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

Wetland and Wetland Buffers:

The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year.

Floodways and Floodplain Fringe:

The project is not located adjacent to any floodway/floodplain fringe area as defined in the resource protection ordinance, nor is it located adjacent to any watercourse which is plotted on any official County floodway/floodplain map. (The project is in the Borrego Valley alluvial fan area, and is under the Borrego Valley Flood Management Report.)

Steep Slopes:

The average slope for the property is estimated at less than 5 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. The project is in conformance with the RPO.

Sensitive Habitats:

No sensitive habitat lands were identified on the site as determined on a site visit conducted by Valerie Walsh on August 20, 2007. Therefore, it has been found that the proposed project complies with Article IV, Item 6 of the Resource Protection Ordinance.

Significant Prehistoric and Historic Sites:

The property has been surveyed by a County of San Diego certified archaeologist/historian, Sue Wade of Heritage Resources, and it has been determined that the property does not contain any archaeological/ historical sites.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

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NO

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NOT APPLICABLE

☐**Discussion:**

DPW staff has reviewed the Stormwater Management Plan (SWMP) and Preliminary Grading Plan of 11-16-07 prepared by Jim Engelke. The project design shall be consistent with the design guidelines set forth in the Borrego Valley Flood Management Report (Boyle Engineering, 1989). Any significant changes to the current project shall be submitted to the Department of Public Works for review and approval. This project is located outside the "COUNTY URBAN AREA" defined in Ordinance No. 9424 Section 67.803 as: *That portion of the unincorporated area of the County that is within the service area boundary of a public water supply company or agency, as indicated on the map labeled Appendix B- "Urban and Environmentally Sensitive Areas Municipal Stormwater Permit NPDES CAS0108758", plus any other land in the unincorporated area of the County which will, after proposed development is complete, route stormwater runoff into or through an underground conveyance other than a road crossing culvert.* Ordinance No. 9426 Section G project design and post-construction stormwater management requirements apply to land development projects in a defined "urban" portion of the County. Per SUSMP Section 1.1 "The County's discharges of stormwater are subject to a municipal Stormwater Permit. The Municipal Permit requires the development and implementation of a program addressing urban runoff pollution issues in development planning for public and private projects. "Urban Runoff" is defined as: *all flows in a stormwater conveyance system in the County Urban Area other than point source discharges in violation of a site specific NPDES permit. Urban run-off includes but is not limited to stormwater, exempt non-stormwater discharges, and illicit discharges.* Therefore this project is exempt from Post Construction BMPs. Site Design BMPs and Source Control BMPs however, shall be incorporated into the project, reference County SUSMP Sections 4.1 & 4.2. The document is substantially complete and complies with the SUSMP and WPO requirements for a Stormwater Management Plan.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

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NO

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NOT APPLICABLE

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Discussion:

Even though the proposal could expose people to potentially significant noise levels (i.e., in excess of the County General Plan or Noise Ordinance), the following aspects of the project description is proposed to reduce the noise impacts to applicable limits: The project will be designed with Noise easements to eliminate the potential for construction within noise contours